

Part 1

Compulsory Education Requirements

53A-11-101 Definitions.

For purposes of this part:

- (1)
 - (a) "Absence" or "absent" means, consistent with Subsection (1)(b), failure of a school-age minor assigned to a class or class period to attend the entire class or class period.
 - (b) A school-age minor may not be considered absent under this part more than one time during one day.
- (2) "Habitual truant" means a school-age minor who:
 - (a) is at least 12 years old;
 - (b) is subject to the requirements of Section 53A-11-101.5; and
 - (c)
 - (i) is truant at least 10 times during one school year; or
 - (ii) fails to cooperate with efforts on the part of school authorities to resolve the minor's attendance problem as required under Section 53A-11-103.
- (3) "Minor" means a person under the age of 18 years.
- (4) "Parent" includes:
 - (a) a custodial parent of the minor;
 - (b) a legally appointed guardian of a minor; or
 - (c) any other person purporting to exercise any authority over the minor which could be exercised by a person described in Subsection (4)(a) or (b).
- (5) "School-age minor" means a minor who:
 - (a) is at least six years old, but younger than 18 years old; and
 - (b) is not emancipated.
- (6) "School year" means the period of time designated by a local school board or local charter board as the school year for the school where the school-age minor:
 - (a) is enrolled; or
 - (b) should be enrolled, if the school-age minor is not enrolled in school.
- (7) "Truant" means absent without a valid excuse.
- (8) "Truant minor" means a school-age minor who:
 - (a) is subject to the requirements of Section 53A-11-101.5 or 53A-11-101.7; and
 - (b) is truant.
- (9) "Valid excuse" means:
 - (a) an illness;
 - (b) a family death;
 - (c) an approved school activity;
 - (d) an absence permitted by a school-age minor's:
 - (i) individualized education program, developed pursuant to the Individuals with Disabilities Education Improvement Act of 2004, as amended; or
 - (ii) accommodation plan, developed pursuant to Section 504 of the Rehabilitation Act of 1973, as amended; or
 - (e) any other excuse established as valid by a local school board, local charter board, or school district.

Amended by Chapter 81, 2007 General Session

53A-11-101.3 Preapproval of extended absence.

In determining whether to preapprove an extended absence of a school-age minor as a valid excuse under Subsection 53A-11-101(9)(e), a local school board, local charter board, or school district shall approve the absence if the local school board, local charter board, or school district determines that the extended absence will not adversely impact the school-age minor's education.

Enacted by Chapter 81, 2007 General Session

53A-11-101.5 Compulsory education.

- (1) For purposes of this section:
 - (a) "Intentionally" is as defined in Section 76-2-103.
 - (b) "Recklessly" is as defined in Section 76-2-103.
 - (c) "Remainder of the school year" means the portion of the school year beginning on the day after the day on which the notice of compulsory education violation described in Subsection (3) is served and ending on the last day of the school year.
 - (d) "School-age child" means a school-age minor under the age of 14.
- (2) Except as provided in Section 53A-11-102 or 53A-11-102.5, the parent of a school-age minor shall enroll and send the school-age minor to a public or regularly established private school.
- (3) A school administrator, a designee of a school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist may issue a notice of compulsory education violation to a parent of a school-age child if the school-age child is absent without a valid excuse at least five times during the school year.
- (4) The notice of compulsory education violation, described in Subsection (3):
 - (a) shall direct the parent of the school-age child to:
 - (i) meet with school authorities to discuss the school-age child's school attendance problems; and
 - (ii) cooperate with the school board, local charter board, or school district in securing regular attendance by the school-age child;
 - (b) shall designate the school authorities with whom the parent is required to meet;
 - (c) shall state that it is a class B misdemeanor for the parent of the school-age child to intentionally or recklessly:
 - (i) fail to meet with the designated school authorities to discuss the school-age child's school attendance problems; or
 - (ii) fail to prevent the school-age child from being absent without a valid excuse five or more times during the remainder of the school year;
 - (d) shall be served on the school-age child's parent by personal service or certified mail; and
 - (e) may not be issued unless the school-age child has been truant at least five times during the school year.
- (5) It is a class B misdemeanor for a parent of a school-age minor to intentionally or recklessly fail to enroll the school-age minor in school, unless the school-age minor is exempt from enrollment under Section 53A-11-102 or 53A-11-102.5.
- (6) It is a class B misdemeanor for a parent of a school-age child to, after being served with a notice of compulsory education violation in accordance with Subsections (3) and (4), intentionally or recklessly:
 - (a) fail to meet with the school authorities designated in the notice of compulsory education violation to discuss the school-age child's school attendance problems; or

- (b) fail to prevent the school-age child from being absent without a valid excuse five or more times during the remainder of the school year.
- (7) A local school board, local charter board, or school district shall report violations of this section to the appropriate county or district attorney.

Amended by Chapter 203, 2012 General Session

53A-11-101.7 Truancy -- Notice of truancy -- Failure to cooperate with school authorities -- Habitual truant citation.

- (1) Except as provided in Section 53A-11-102 or 53A-11-102.5, a school-age minor who is enrolled in a public school shall attend the public school in which the school-age minor is enrolled.
- (2) A local school board, charter school governing board, or school district may impose administrative penalties on a school-age minor who is truant.
- (3) A local school board or charter school governing board:
 - (a) may authorize a school administrator, a designee of a school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist to issue notices of truancy to school-age minors who are at least 12 years old; and
 - (b) shall establish a procedure for a school-age minor, or the school-age minor's parents, to contest a notice of truancy.
- (4) The notice of truancy described in Subsection (3):
 - (a) may not be issued until the school-age minor has been truant at least five times during the school year;
 - (b) may not be issued to a school-age minor who is less than 12 years old;
 - (c) may not be issued to a minor exempt from school attendance as provided in Section 53A-11-102 or 53A-11-102.5;
 - (d) shall direct the school-age minor and the parent of the school-age minor to:
 - (i) meet with school authorities to discuss the school-age minor's trancies; and
 - (ii) cooperate with the school board, local charter board, or school district in securing regular attendance by the school-age minor; and
 - (e) shall be mailed to, or served on, the school-age minor's parent.
- (5)
 - (a) Except as provided in Subsection (5)(b), a habitual truant citation may be issued to a habitual truant if:
 - (i) the local school board, charter school governing board, or school district has made reasonable efforts, under Section 53A-11-103, to resolve the school attendance problems of the habitual truant; and
 - (ii) the efforts to resolve the school attendance problems, described in Subsection (5)(a)(i), have not been successful.
 - (b) A habitual truant citation may not be issued to a habitual truant if the habitual truant:
 - (i) has at least a 3.5 cumulative grade point average; and
 - (ii) is at least 16 years old.
- (6) A habitual truant to whom a habitual truant citation is issued under Subsection (5):
 - (a) shall be referred to the juvenile court for violation of Subsection (1); and
 - (b) is subject to the jurisdiction of the juvenile court.
- (7) A notice of truancy or a habitual truant citation may only be issued by:
 - (a) a school administrator, or a truancy specialist, who is authorized by a local school board or charter school governing board;
 - (b) a designee of a school administrator described in Subsection (7)(a); or

- (c) a law enforcement officer acting as a school resource officer.
- (8) Nothing in this part prohibits a local school board, charter school governing board, or school district from taking action to resolve a truancy problem with a school-age minor who has been truant less than five times, provided that the action does not conflict with the requirements of this part.
- (9) Nothing in this part allows a local school board or charter school governing board to issue a citation pursuant to this section if the minor is exempt from school attendance as provided in Section 53A-11-102 or 53A-11-102.5.

Amended by Chapter 359, 2014 General Session

53A-11-102 Minors exempt from school attendance.

- (1)
 - (a) A local school board or charter school governing board may excuse a school-age minor from attendance for any of the following reasons:
 - (i) a school-age minor over age 16 may receive a partial release from school to enter employment, or attend a trade school, if the school-age minor has completed the eighth grade; or
 - (ii) on an annual basis, a school-age minor may receive a full release from attending a public, regularly established private, or part-time school or class if:
 - (A) the school-age minor has already completed the work required for graduation from high school, or has demonstrated mastery of required skills and competencies in accordance with Subsection 53A-15-102(1);
 - (B) the school-age minor is in a physical or mental condition, certified by a competent physician if required by the local school board or charter school governing board, which renders attendance inexpedient and impracticable;
 - (C) proper influences and adequate opportunities for education are provided in connection with the school-age minor's employment; or
 - (D) the district superintendent or charter school governing board has determined that a school-age minor over the age of 16 is unable to profit from attendance at school because of inability or a continuing negative attitude toward school regulations and discipline.
 - (b) A school-age minor receiving a partial release from school under Subsection (1)(a)(i) is required to attend:
 - (i) school part time as prescribed by the local school board or charter school governing board; or
 - (ii) a home school part time.
 - (c) In each case, evidence of reasons for granting an exemption under Subsection (1) must be sufficient to satisfy the local school board or charter school governing board.
 - (d) A local school board or charter school governing board that excuses a school-age minor from attendance as provided by this Subsection (1) shall issue a certificate that the minor is excused from attendance during the time specified on the certificate.
- (2)
 - (a) A local school board shall excuse a school-age minor from attendance, if the school-age minor's parent files a signed and notarized affidavit with the school-age minor's school district of residence, as defined in Section 53A-2-201, that:
 - (i) the school-age minor will attend a home school; and

- (ii) the parent assumes sole responsibility for the education of the school-age minor, except to the extent the school-age minor is dual enrolled in a public school as provided in Section 53A-11-102.5.
- (b) A signed and notarized affidavit filed in accordance with Subsection (2)(a) shall remain in effect as long as:
 - (i) the school-age minor attends a home school; and
 - (ii) the school district where the affidavit was filed remains the school-age minor's district of residence.
- (c) A parent of a school-age minor who attends a home school is solely responsible for:
 - (i) the selection of instructional materials and textbooks;
 - (ii) the time, place, and method of instruction; and
 - (iii) the evaluation of the home school instruction.
- (d) A local school board may not:
 - (i) require a parent of a school-age minor who attends a home school to maintain records of instruction or attendance;
 - (ii) require credentials for individuals providing home school instruction;
 - (iii) inspect home school facilities; or
 - (iv) require standardized or other testing of home school students.
- (e) Upon the request of a parent, a local school board shall identify the knowledge, skills, and competencies a student is recommended to attain by grade level and subject area to assist the parent in achieving college and career readiness through home schooling.
- (f) A local school board that excuses a school-age minor from attendance as provided by this Subsection (2) shall annually issue a certificate stating that the school-age minor is excused from attendance for the specified school year.
- (g) A local school board shall issue a certificate excusing a school-age minor from attendance:
 - (i) within 30 days after receipt of a signed and notarized affidavit filed by the school-age minor's parent pursuant to Subsection (2); and
 - (ii) on or before August 1 each year thereafter unless:
 - (A) the school-age minor enrolls in a school within the school district;
 - (B) the school-age minor's parent or guardian notifies the school district that the school-age minor no longer attends a home school; or
 - (C) the school-age minor's parent or guardian notifies the school district that the school-age minor's school district of residence has changed.
- (3) A parent who files a signed and notarized affidavit as provided in Subsection (2)(a) is exempt from the application of Subsections 53A-11-101.5(2), (5), and (6).
- (4) Nothing in this section may be construed to prohibit or discourage voluntary cooperation, resource sharing, or testing opportunities between a school or school district and a parent or guardian of a minor attending a home school.

Amended by Chapter 374, 2014 General Session

53A-11-102.5 Dual enrollment.

- (1) "District school" means a public school under the control of a local school board elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.
- (2) A person having control of a minor who is enrolled in a regularly established private school or a home school may also enroll the minor in a public school for dual enrollment purposes.

- (3) The minor may participate in any academic activity in the public school available to students in the minor's grade or age group, subject to compliance with the same rules and requirements that apply to a full-time student's participation in the activity.
- (4)
 - (a) A student enrolled in a dual enrollment program in a district school is considered a student of the district in which the district school of attendance is located for purposes of state funding to the extent of the student's participation in the district school programs.
 - (b) A student enrolled in a dual enrollment program in a charter school is considered a student of the charter school for purposes of state funding to the extent of the student's participation in the charter school programs.
- (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules for purposes of dual enrollment to govern and regulate the transferability of credits toward graduation that are earned in a private or home school.

Amended by Chapter 210, 2010 General Session

53A-11-102.6 Private school and home school students' participation in extracurricular activities in a public school.

- (1) As used in this section:
 - (a) "Academic eligibility requirements" means the academic eligibility requirements that a home school student is required to meet to participate in an extracurricular activity in a public school.
 - (b) "Principal" means the principal of the school in which a home school student participates or intends to participate in an extracurricular activity.
- (2)
 - (a) A minor who is enrolled in a private school or a home school shall be eligible to participate in an extracurricular activity at a public school as provided in this section.
 - (b) A private school student may only participate in an extracurricular activity at a public school that is not offered by the student's private school.
 - (c) Except as provided in Subsection (2)(d), a private school student or a home school student may only participate in an extracurricular activity at:
 - (i) the school within whose attendance boundaries the student's custodial parent or legal guardian resides; or
 - (ii) the school from which the student withdrew for the purpose of attending a private or home school.
 - (d) A school other than a school described in Subsection (2)(c)(i) or (ii) may allow a private school student or a home school student to participate in an extracurricular activity other than:
 - (i) an interscholastic competition of athletic teams sponsored and supported by a public school; or
 - (ii) an interscholastic contest or competition for music, drama, or forensic groups or teams sponsored and supported by a public school.
- (3)
 - (a) Except as provided in Subsections (4) through (13), a private school or home school student shall be eligible to participate in an extracurricular activity at a public school consistent with eligibility standards:
 - (i) applied to a fully enrolled public school student;
 - (ii) of the public school where the private school or home school student participates in an extracurricular activity; and

- (iii) for the extracurricular activity in which the private school or home school student participates.
- (b) A school district or public school may not impose additional requirements on a private school or home school student to participate in an extracurricular activity that are not imposed on a fully enrolled public school student.
- (c)
 - (i) A private school or home school student who participates in an extracurricular activity at a public school shall pay the same fees as required of a fully enrolled public school student to participate in an extracurricular activity.
 - (ii) If a local school board or charter school governing board imposes a mandatory student activity fee for a student enrolled in a public school, the fee may be imposed on a private school or home school student who participates in an extracurricular activity at the public school if the same benefits of paying the mandatory student activity fee that are available to a fully enrolled public school student are available to a private school or home school student who participates in an extracurricular activity at the public school.
- (4) Eligibility requirements based on school attendance are not applicable to a home school student.
- (5) A home school student meets academic eligibility requirements to participate in an extracurricular activity if:
 - (a) the student is mastering the material in each course or subject being taught; and
 - (b) the student is maintaining satisfactory progress towards achievement or promotion.
- (6)
 - (a) To establish a home school student's academic eligibility, a parent, teacher, or organization providing instruction to the student shall submit an affidavit to the principal indicating the student meets academic eligibility requirements.
 - (b) Upon submission of an affidavit pursuant to Subsection (6)(a), a home school student shall:
 - (i) be considered to meet academic eligibility requirements; and
 - (ii) retain academic eligibility for all extracurricular activities during the activity season for which the affidavit is submitted, until:
 - (A) a panel established under Subsection (10) determines the home school student does not meet academic eligibility requirements; or
 - (B) the person who submitted the affidavit under Subsection (6)(a) provides written notice to the school principal that the student no longer meets academic eligibility requirements.
- (7)
 - (a) A home school student who loses academic eligibility pursuant to Subsection (6)(b)(ii)(B) may not participate in an extracurricular activity until the person who submitted the affidavit under Subsection (6)(a) provides written notice to the school principal that the home school student has reestablished academic eligibility.
 - (b) If a home school student reestablishes academic eligibility pursuant to Subsection (7)(a), the home school student may participate in extracurricular activities for the remainder of the activity season for which an affidavit was submitted under Subsection (6)(a).
- (8) A person who has probable cause to believe a home school student does not meet academic eligibility requirements may submit an affidavit to the principal:
 - (a) asserting the home school student does not meet academic eligibility requirements; and
 - (b) providing information indicating that the home school student does not meet the academic eligibility requirements.
- (9) A principal shall review the affidavit submitted under Subsection (8), and if the principal determines it contains information which constitutes probable cause to believe a home school

student may not meet academic eligibility requirements, the principal shall request a panel established pursuant to Subsection (10) to verify the student's compliance with academic eligibility requirements.

(10)

(a) A school district superintendent shall:

- (i) appoint a panel of three individuals to verify a home school student's compliance with academic eligibility requirements when requested by a principal pursuant to Subsection (9); and
- (ii) select the panel members from nominees submitted by national, state, or regional organizations whose members are home school students and parents.

(b) Of the members appointed to a panel under Subsection (10)(a):

- (i) one member shall have experience teaching in a public school as a licensed teacher and in home schooling high school-age students;
- (ii) one member shall have experience teaching in a higher education institution and in home schooling; and
- (iii) one member shall have experience in home schooling high school-age students.

(11) A panel appointed under Subsection (10):

- (a) shall review the affidavit submitted under Subsection (8);
- (b) may confer with the person who submitted the affidavit under Subsection (8);
- (c) shall request the home school student to submit test scores or a portfolio of work documenting the student's academic achievement to the panel;
- (d) shall review the test scores or portfolio of work; and
- (e) shall determine whether the home school student meets academic eligibility requirements.

(12) A home school student who meets academic eligibility requirements pursuant to Subsection (11), retains academic eligibility for all extracurricular activities during the activity season for which an affidavit is submitted pursuant to Subsection (6).

(13)

- (a) A panel's determination that a home school student does not comply with academic eligibility requirements is effective for an activity season and all extracurricular activities that have academic eligibility requirements.
- (b) A home school student who is not in compliance with academic eligibility requirements as determined by a panel appointed under Subsection (11) may seek to establish academic eligibility under this section for the next activity season.

(14)

- (a) A public school student who has been declared to be academically ineligible to participate in an extracurricular activity and who subsequently enrolls in a home school shall lose eligibility for participation in the extracurricular activity until the student:
 - (i) demonstrates academic eligibility by providing test results or a portfolio of the student's work to the school principal, provided that a student may not reestablish academic eligibility under this Subsection (14)(a) during the same activity season in which the student was declared to be academically ineligible;
 - (ii) returns to public school and reestablishes academic eligibility; or
 - (iii) enrolls in a private school and establishes academic eligibility.
- (b) A public school student who has been declared to be behaviorally ineligible to participate in an extracurricular activity and who subsequently enrolls in a home school shall lose eligibility for participation in the extracurricular activity until the student meets eligibility standards as provided in Subsection (3).

- (15) When selection to participate in an extracurricular activity at a public school is made on a competitive basis, a private school student and a home school student shall be eligible to try out for and participate in the activity as provided in this section.
- (16)
- (a) If a student exits a public school to enroll in a private or home school mid-semester or during an activity season, and the student desires to participate in an extracurricular activity at the public school, the public school shall issue an interim academic assessment based on the student's work in each class.
 - (b) A student's academic eligibility to participate in an extracurricular activity under the circumstances described in Subsection (16)(a) shall be based on the student meeting public school academic eligibility standards at the time of exiting public school.
 - (c) A student may appeal an academic eligibility determination made under Subsection (16)(b) in accordance with procedures for appealing a public school student's academic eligibility.

Amended by Chapter 340, 2011 General Session

53A-11-102.7 Placement of a home school student who transfers to a public school.

- (1) For the purposes of this section, "home school student" means a student who attends a home school pursuant to Section 53A-11-102.
- (2) When a home school student transfers from a home school to a public school, the public school shall place the student in the grade levels, classes, or courses that the student's parent or guardian and in consultation with the school administrator determine are appropriate based on the parent's or guardian's assessment of the student's academic performance.
- (3)
 - (a) Within 30 days of a home school student's placement in a public school grade level, class, or course, either the student's teacher or the student's parent or guardian may request a conference to consider changing the student's placement.
 - (b) If the student's teacher and the student's parent or guardian agree on a placement change, the public school shall place the student in the agreed upon grade level, class, or course.
 - (c) If the student's teacher and the student's parent or guardian do not agree on a placement change, the public school shall evaluate the student's subject matter mastery in accordance with Subsection (3)(d).
 - (d) The student's parent or guardian has the option of:
 - (i) allowing the public school to administer, to the student, assessments that are:
 - (A) regularly administered to public school students; and
 - (B) used to measure public school students' subject matter mastery and determine placement; or
 - (ii) having a private entity or individual administer assessments of subject matter mastery to the student at the parent's or guardian's expense.
 - (e) After an evaluation of a student's subject matter mastery, a public school may change a student's placement in a grade level, class, or course.
- (4) This section does not apply to a student who is dual enrolled in a public school and a home school pursuant to Section 53A-11-102.5.

Enacted by Chapter 374, 2014 General Session

53A-11-103 Duties of a school board, local charter board, or school district in resolving attendance problems -- Parental involvement -- Liability not imposed.

- (1)
 - (a) Except as provided in Subsection (1)(b), a local school board, local charter board, or school district shall make efforts to resolve the school attendance problems of each school-age minor who is, or should be, enrolled in the school district.
 - (b) A minor exempt from school attendance under Section 53A-11-102 or 53A-11-102.5 is not considered to be a minor who is or should be enrolled in a school district or charter school under Subsection (1)(a).
- (2) The efforts described in Subsection (1) shall include, as reasonably feasible:
 - (a) counseling of the minor by school authorities;
 - (b) issuing a notice of truancy to a school-age minor who is at least 12 years old, in accordance with Section 53A-11-101.7;
 - (c) issuing a habitual truant citation, in accordance with Section 53A-11-101.7;
 - (d) issuing a notice of compulsory education violation to a parent of a school-age child, in accordance with Section 53A-11-101.5;
 - (e) making any necessary adjustment to the curriculum and schedule to meet special needs of the minor;
 - (f) considering alternatives proposed by a parent;
 - (g) monitoring school attendance of the minor;
 - (h) voluntary participation in truancy mediation, if available; and
 - (i) providing a school-age minor's parent, upon request, with a list of resources available to assist the parent in resolving the school-age minor's attendance problems.
- (3) In addition to the efforts described in Subsection (2), the local school board, local charter board, or school district may enlist the assistance of community and law enforcement agencies as appropriate and reasonably feasible.
- (4) This section shall not impose any civil liability on boards of education, local school boards, local charter boards, school districts, or their employees.
- (5) Proceedings initiated under this part do not obligate or preclude action by the Division of Child and Family Services under Section 78A-6-319.

Amended by Chapter 203, 2012 General Session

53A-11-104 Truancy specialists.

A local school board or local charter board may appoint and fix the compensation of a truancy specialist to assist in enforcing laws related to school attendance and to perform other duties prescribed by law or the board.

Amended by Chapter 81, 2007 General Session

53A-11-105 Taking custody of a person believed to be a truant minor -- Disposition -- Receiving centers -- Reports -- Immunity from liability.

- (1) A peace officer or public school administrator may take a minor into temporary custody if there is reason to believe the minor is a truant minor.
- (2) An individual taking a school-age minor into custody under Subsection (1) shall, without unnecessary delay, release the minor to:
 - (a) the principal of the minor's school;
 - (b) a person who has been designated by the local school board or local charter board to receive and return the minor to school; or
 - (c) a receiving center established under Subsection (5).

- (3) If the minor refuses to return to school or go to the receiving center, the officer or administrator shall, without unnecessary delay, notify the minor's parents and release the minor to their custody.
- (4) If the parents cannot be reached or are unable or unwilling to accept custody, the minor shall be referred to the Division of Child and Family Services.
- (5)
 - (a) A local school board or local charter board, singly or jointly with another school board, may establish or designate receiving centers within existing school buildings and staff the centers with existing teachers or staff to provide educational guidance and counseling for truant minors. Upon receipt of a truant minor, the center shall, without unnecessary delay, notify and direct the minor's parents to come to the center, pick up the minor, and return the minor to the school in which the minor is enrolled.
 - (b) If the parents cannot be reached or are unable or unwilling to comply with the request within a reasonable time, the center shall take such steps as are reasonably necessary to insure the safety and well being of the minor, including, when appropriate, returning the minor to school or referring the minor to the Division of Child and Family Services. A minor taken into custody under this section may not be placed in a detention center or other secure confinement facility.
- (6) Action taken under this section shall be reported to the appropriate school district. The district shall promptly notify the minor's parents of the action taken.
- (7) The Utah Governmental Immunity Act applies to all actions taken under this section.
- (8) Nothing in this section may be construed to grant authority to a public school administrator to place a minor in the custody of the Division of Child and Family Services, without complying with the provisions of Title 62A, Chapter 4a, Part 2, Child Welfare Services, and Part 2a, Minors in Custody on Grounds Other Than Abuse or Neglect, and of Title 78A, Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings, and Part 4, Minors in Custody on Grounds Other Than Abuse or Neglect.

Amended by Chapter 3, 2008 General Session

53A-11-106 Truancy support centers.

- (1) A school district may establish one or more truancy support centers for:
 - (a) truant minors taken into custody under Section 53A-11-105; or
 - (b) students suspended or expelled from school.
- (2) A truancy support center shall provide services to the truant minor and the truant minor's family, including:
 - (a) assessments of the truant minor's needs and abilities;
 - (b) support for the parents and truant minor through counseling and community programs; and
 - (c) tutoring for the truant minor during the time spent at the center.
- (3) For the suspended or expelled student, the truancy support center shall provide an educational setting, staffed with certified teachers and aides, to provide the student with ongoing educational programming appropriate to the student's grade level.
- (4) In a district with a truancy support center, all students suspended or expelled from school shall be referred to the center. A parent or guardian shall appear with the student at the center within 48 hours of the suspension or expulsion, not including weekends or holidays. The student shall register and attend classes at the truancy support center for the duration of the suspension or expulsion unless the parent or guardian demonstrates that alternative

arrangements have been made for the education or supervision of the student during the time of suspension or expulsion.

- (5) The truancy support center may provide counseling and other support programming for students suspended or expelled from school and their parents or guardian.

Amended by Chapter 81, 2007 General Session